

West Bengal Real Estate Regulatory Authority
Calcutta Greens Commercial Complex (1st Floor)
1050/2, Survey Park, Kolkata- 700 075

Complaint No. WBRERA/COM (physical) 000306

Kumaresh Hazra Complainant

Vs

Mahalaxmi Construction Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 <u>03.12.2025</u>	<p>Shri Kumaresh Hazra (mobile no:- 9830734531 and email id:- snigdhaHazra5@gmail.com) Complainant No.1 is present in today's hearing physically on behalf of all the Complainants by filing an authorization letter from the other Complainants and signing the attendance sheet.</p> <p>Shri Sanjib Kumar Chakraborty (mobile no:- 9051178927) and another partner of the Respondent Company are present in today's hearing through online mode. They are directed to file their hazira immediately after hearing through email.</p> <p>Heard both the parties in detail in detail.</p> <p>The Complainant stated that they made a Registered Development Agreement cum Power of Attorney with the Respondent Company on 05.05.2021. But the Respondent has violated many provisions of the Development Agreement viz. not paying the monthly rate, not paying Rs.1,00,000/- to each Complainant even after completion of second floor roof casting and shifting charges . Moreover, the Respondent has failed to complete the project within the stipulated timeframe and handover the possession of the same to the Complainant.</p> <p>The Complainant prays for relief of direction upon the Respondent to resume the construction work and handover the project immediately. Failing which, the Complainants be allowed to revoke the Development Agreement and Power of Attorney without refunding any amount paid by the Respondent to the Complainants or invested in the construction work so far. The Complainants also prayed for allowing them to enter upon a fresh Development Agreement and Power of Attorney with any other new construction company of their choice for further taking up the contraction work. In connection with the shifting charges and the due amount of Rs. 1,00,000/- each to be paid by the Respondent as per the Development Agreement.</p> <p>The Respondent stated that due to some problem the construction was stopped but now it has been started. Respondent admitted that some payment as per condition of the Development Agreement could not be made but apart from those the other payments has already been made by him.</p> <p>While asking, the Respondent admitted that they are not registered with WBRERA as they are not aware of this Act.</p>	

After hearing the Complainant, the Authority is pleased to admit this matter for further hearing and order as per the provisions contained in Section 31 of the Real Estate (Regulation and Development) Act, 2016 read with Rule 36 of the West Bengal Real Estate (Regulation and Development) Rules, 2021 and give the following directions: -

The Complainant is directed to submit his total submission regarding their Complaint Petition on a Notarized Affidavit annexing therewith notary attested/self-attested supporting documents and a signed copy of the Complaint Petition and send the Affidavit (in original) to the Authority serving a copy of the same to the Respondent, both in hard and soft copies, within **14 (fourteen)** days from the date of receipt of this order of the Authority by email.

The Respondent is hereby directed to submit their Written Response on notarized affidavit regarding the Complaint Petition and Affidavit of the Complainant, annexing therewith notary attested/self-attested supporting documents, if any, and send the Affidavit (in original) to the Authority serving a copy of the same to the Complainant, both in hard and soft copies, within **14 (fourteen)** days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier. In their Affidavit the respondent shall categorically mention the details of their project, i.e. land area, number of flats and commercial units, and show cause why penal action shall not be taken against them as per provision of Section 59 of Real Estate (Regulation and Development) Act, 2016 for non-registration of their project under section 3 of the said Act.

Fix **after 6(six) weeks** for further hearing and order.



(JAYANTA KR. BASU)

Chairperson

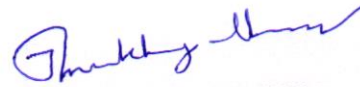
West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority